

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHERRY A. SHEARE,	:	CIVIL ACTION NO. 3:17-CV-1227
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
NANCY A. BERRYHILL,¹	:	
	:	
Defendant	:	

ORDER

AND NOW, this 5th day of September, 2018, upon consideration of the report (Doc. 24) of Magistrate Judge Karoline Mehalchick, recommending the court deny the appeal of plaintiff Sherry A. Sheare (“Sheare”) from the decision of the administrative law judge denying Sheare’s application for a period of disability and disability insurance benefits, and the court noting that Sheare filed objections (Doc. 25) to the report, and the Commissioner of Social Security (“Commissioner”) filed a response (Doc. 26) thereto, and following *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being

¹ Due to the Federal Vacancies Reform Act, 5 U.S.C. § 3345 *et seq.*, former acting Commissioner of Social Security Nancy A. Berryhill is currently presiding as the Deputy Commissioner for Operations of the Social Security Administration. For consistency purposes, however, we continue to refer to Ms. Berryhill as “the Commissioner.”

in agreement with Judge Mehalchick that the administrative law judge's decision "is supported by substantial evidence," 42 U.S.C. § 405(g); Fagnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and finding Judge Mehalchick's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Sheare's objections to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 24) of Magistrate Judge Mehalchick is ADOPTED.
2. The Commissioner's decision denying Sheare's application for a period of disability and disability insurance benefits is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Sheare as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania